

REMARKS

The Office Action dated November 3, 2006, has been carefully reviewed and the present amendment is submitted in response thereto. Claims 2, and 12-20 have been canceled, claims 1, 3, and 8 have been amended. Claims 1, and 3-11 are pending in the application for consideration on the merits. Favorable consideration of this application as amended is requested.

Objection to the Specification:

The specification has been amended with the helpful suggestion of the examiner to correct a typographical error by replacing each instance of "10□" in the specification with "--10"-- in order to correspond to the drawings.

Claim Rejections Under 35 U.S.C. § 102:

Claims 1 and 3-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by Roy et al. (US 6,708,393), hereafter referred to as Roy. Applicants respectfully traverse the rejection. In order to anticipate a claim under 35 U.S.C. 102(e), each and every element of the claim must be disclosed in the prior art reference, and arranged as in the claim.

Roy discloses a door alignment fixture (100) having a door attachment portion (102), a fender attachment portion (104), and an alignment portion including a spacing blade (140) and an aperture probe (130). The attachment portions (102, 104) are movable on the fixture (100) while the blade (140) and probe (130) are fixed to the fixture (100), (col. 3, lines 6-15). "The spacing blade (140) has a thickness for determining the width of the gap between the fender and door, and is fixedly mounted to the fixture 100 at a prescribed position, both in height and attitude (angle) with respect to the horizontal." (Col. 3, lines 43-46) The "aperture probe 130 is fixedly mounted to the fixture 100 at a prescribed position. The aperture probe 130 is adapted, when properly aligned, to correspond to an aperture 22 on the vehicle door 20." (Col. 3, lines 51-54) Thus, the probe 130 is fixed so that the tool is positively located relative to the door. It doesn't mount in the gap and is not movable relative to the fixture. Also, the blade (140)

is fixed relative to the fixture (100) and would thus also be positively located and fixed relative to the probe (130). The reason for fixing the two relative to the fixture is seen from the mounting method described in Roy (col. 4, lines 17-65).

Amended claim 1 is directed to a tool having a first body portion, a second body portion and a pin. The pin is mounted in an elongated slot in the first body portion between a pair of springs mounted on a guide rod, with the pair of springs resiliently biasing the pin toward a center portion of the elongated slot and being slidable in the slot. Since the blade in Roy is fixed to the fixture, these limitations of amended claim 1 are missing from Roy. Moreover, the pin and springs in the slot allow for relative location of the tool relative to the body panels (as opposed to the positive locating of the probe and blade in Roy), which provides for a different assembly procedure where the tool does not have to be fixed relative to one of the panels before beginning the gap setting process. Applying a resilient mounting to the blade in Roy would be contrary to the positive locating of the probe and blade during that are desired for the assembly process taught in Roy.

Amended claim 8 is directed to a tool assembly for setting a gap between a pair of panels. Claim 8 has been amended to more clearly indicate that both the first tool and the second tool each have their own pin that mounts between the first and second panels and that each pin is attached to and movable relative to its respective first body portion and second body portion. Roy, on the other hand, has only one blade (140) that is located between the fender (30) and door (20). The blade (140) in Roy is purposely fixed to fixture (100) in both height and angle, which positively locates it relative to the probe (130) that is fixed relative to the door only, not located in a gap between the door and fender. Moreover, the blade is meant to be fixed to the fixture, as is clear from the assembly process (discussed in col. 4, lines 14-65) where the blade (140) is first drawn up against the door by itself, with the fender then later being gripped by its wheel well (40) and pushed against the blade (140). So Roy only discloses one "pin" (blade (140)), not two, to be mounted in the gap, and the one pin is fixed to the fixture (100).

Claims 3-7 ultimately depend from claim 1, and claims 9-10 depend from claim 8 and so is distinguishable over Roy for at least the reasons stated above relative to

claims 1 and 8 respectively. Moreover, the dependent claims add additional limitations that may further distinguish them from Roy.

Consequently, with at least these limitations of claims 1 and 3-10 missing from Roy, there cannot be anticipation of these claims under 35 U.S.C. 102(e).

Claim Rejections Under 35 U.S.C. § 103:

Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Roy in view of Baluta (US 6,418,603). Claim 2 has been canceled.

Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Roy in view of Busisi (US 5,406,697). First, claim 11 depends from claim 8 and so is distinguishable from Roy for at least the reasons given above relative to claim 8. Busisi merely shows a tool that supports the weight of a vehicle door on a flexible line—it is not a gap setting tool and does not disclose or suggest any need for an eye bolt for attaching the flexible line to the tool for supporting the weight of the door. Consequently, Busisi, in combination with Roy, does not overcome the deficiencies as noted relative to claim 8. Moreover, neither reference teaches the use of an eye bolt extending from a gap setting tool, nor any motivation for modifying Roy to provide such an eye bolt.

Conclusion:

In summary, it is believed that each formal and substantive requirement has now been met. Consequently, it is respectfully requested that all objections and rejections be withdrawn. The application is now believed to be in appropriate condition for allowance, which action is respectfully requested.

Please charge any fees that may be due to Deposit Account #07-0960.

Respectfully submitted,

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